G. R. S. App. F. [X-4]

1942-3

File No. 185-42

Previous References.
Legis. 2-41-7.

(War-)

Serial Nos. 165.

Later References.
W 45. 43-165.

P.I.-1.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Five only.

Part B for February-1943.

SUBJECT.

Delegation of certain powers under the Defence of India Rules to the authorities of the Prisoners of War Camps.

P. Krishnan.
22.2.43.

2087

Prisoners of War camps - Inmates
Delegation of Powers under Rules 6-9 & 28
of the Defence of India Rules
to the Camp authorities.

Sl. 1. From The Army to the Hon'ble the Revenue
F. 131(B)-40/W dated 7th Jan. 43 requesting
delegation to the Camp authorities the powers
under Rules 6-9 & 28 of the Defence of India
Rules in respect of the prohibited areas.

I The Prisoners of War Camps have already
been declared as 'Protected Area' under Rule 8.
Sub-rules for orders whether the powers under Rules
6-9 & 28 may be delegated to the Camp
authorities as desired by the Govt of India
under rule 8 (3) empowers us
to prescribe areas in the ~~vicinity of~~ vicinities of the
Camps may be removed by any
of the said powers then one duty
at this place.

Rule 28 provides for issuing
the orders to regulate access
to or communication with the
P. O. W Camps. The orders
seems to have been made
in the Rule 27.
Sanctioned.

50
10/1 Powers exercisable by
the officers are these made.

(i) Under 6 (3) - Search & detention
(ii) " 8(4) Removal
(iii) " 8(3) Police officer may direct removal

Rule (9) refers to powers of Govt to make
orders but 28 similarly empowers
to make orders to regulate access,
to regulate the conditions relating to
the employment of prisoners &
War & to prohibit & regulate

W89/N.

Communications & Contacts of articles to prisoners of War. No orders have been framed & no powers vested in police officers under this Rule.

~~Application~~ An order may be made that in respect of powers vested in authorities to prevent the exercise of powers of search, detention & removal under Rules 6 & 8 so far as they relate to the prisoners of War camps declared as Protected areas in Notn No. S 111 dated 2-4-1947 of Govt. of India.

Law Secy in his note dated

Considered

Law

3353

Law M.

Dewan Mysore

Law Secy

SECY. LAW DEPT. GOVT OF MYSORE

The Residency request that, since the Prisoners of War Camp has been declared as Protected area, the powers of detention, search and removal under rules 6 to 9 of the Defence rule and 28 of the Defence of India Rules as applied to Mysore may be ceded to the Camp authorities.

The Prisoners of War Camp has been declared as "Protected area" under 8 (1), and in respect of such an area, except the power of removal provided in sub-rule (3) of that rule, the powers of detention, search and removal provided for in rule 6 are not available, since these powers are applicable only in the case of ~~Protected~~ Prohibited places. If the request of the Residency is to be conceded, one of two alternative courses has to be followed. Either the

4796 Pt

Serial No.

Prisoners of War camps will have to be rendered as a "Protected Place" under rules 4 in which case the provisions of rule 6 viz powers of search, detention and removal will become automatically applicable to that place or an order will have to made under rules 4 directing the application of those provisions to the Prisoners of War Camp which has already been declared a Protected area.

As regards rule 28 which empowers Govt to provide by orders the regulation of access to places where prisoners of War are detained, the prohibition, or regulation of communications with Prisoners of War, etc orders have yet been made by us, and therefore no powers of search, detention or removal are available. It will be necessary therefore in the first instance to make an order taking such powers and then delegate them to the camp authorities.

JMV 13/1

Law Secy)

It is not a question of reading the Powers, but the question of an authorising Camp authorities to exercise the Powers under Rules. If it is decided to authorise them necessary Orders will be

SECY. LAW DEPT. 363 GOVT OF MYSORE

NOTE—Cont. Sheet.

2089/45

File No. of 194 .

General and Revenue Secretariat

Serial No. 6194

D. 15-1-43 No. 5473

Ans 14-1-43

We may authorise them

Ans 15/1/43

Ans 16-1-43

Asst Secy War D.C

Send with a draft delegating to the camp authorities the powers under Rule 9 & 2-8. As regards powers of removal under 8(3) they are already exercisable by the munsifs of 4 of majority's powers. Powers under Rule 6 do not seem to arise as the place is not declared under Rule 7.

Send for orders.

SH 18/1/43. Send with a draft G.O as directed.

SH 18/1

18/1

Law Dept

Asst Secy Law Dept

4090 10.1.43

SECY. LAW DEPT. GOVT OF MYSORE

2082 W 2nd Prisons of War Camps - Standing Orders

Continuation Sheet. File No. W 2nd Current No. Description of powers of Page.

'Camp Authorities' is a general term. The person or persons to whom the specified duties are to be transferred must be specified by name or office

15.
.O. 6328

CI 4222 RY.
19 JAN 1943
GOVT. OF MYSORE.

19-1-43

Sent with an Express to Resy

For Remarks please

19/1

Secy to GS

19/1

Sl.2 Issues Pol. 1481 & 20th Jan. 43. to the Resy.

Sl.3. From The Secy to the Hon'ble the Resident F-131(B) 43 dtd 8th Feb. 43 stating that the powers may be delegated to the Camp Commandant and Commandants of the Prisoners of War Camps Bangalore.

Submitted for perusal and orders whether the draft already approved with the modification on the lines of the Resy letter may issue.

Draft may be approved

9/2

Secy (GS)

Secretary
to
Govt

9/2

RSR 12/2/43

JPD 14.2.43

CHIEF SECRETARY 9. FEB. GOVT OF MYSORE

OFFICE OF THE MINISTER FOR EDUCATION
Date 12-2-43
No. 3993

WD 1140—GPB—50,000—5-11-42

for 17/2

Continuation Sheet. File No. / Current No. of Page.

Sl. 4 Issued 3486-87/W. d 18th Feb 1943.
to D C. Bangalore & I G P.

Sl. 5 Issued Pol. 1724 Encl. d 18/19th Feb 1943.
to the Resy

B

W 185-42-1

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No.F.131(B)-40/W. 2089 W.

FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Dated Bangalore, the 7th January, *1943.*

War 7

Prisoners of War Camps - Bangalore.

SIR,

I am directed to state that the Government of India consider it desirable that the area occupied by the Prisoners of War Camps, Bangalore, should be declared a 'Protected area' under the Mysore State's counterpart of rule 8 of the Defence of India Rules, and that the Government of Mysore should cede to the Camp authorities under their versions of the Defence of India Rules 6-9 and 28 the powers of detention, search and removal exercised in British India by the police in respect of prohibited areas.

2. The Government of Mysore have already declared the Prisoners of War Camps to be a protected area vide their notification No.P. 511-Legis.2-41-7, dated the 1st August 1941. It is requested that, if there is no objection, the Government of Mysore will now be so good as to delegate to the Camp authorities the powers referred to by the Government of India.

3. I am to request the favour of an early reply.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

MAP C.R.Rao

20x4/W

Appendix F. G.—1]

SUBJECT Prisoners of war camps—Baluchistan

Section War
File No. 185-42
Serial No. 2.

Diary No. of letter replied to

No. P/11481

To

The Secy to the Govt
The Resident

General and Revenue Secretariat

( )

the *194* .

Date of issue 20.1.1943

Signed by M.S.K.V

Sir,

With reference to your letter No D-131(B)-40/W 97-42 on the above subject I am directed to request you kindly to ~~state~~ specify the camps authorising they name and office so that they may be specifically authorised to receive the payments of

List of enclosures

Copied by

Examined by

Ward wise the two camp authorities is to General & to recruit you to the Govt as to evacuation from the military authorities the names & designations of the officers to whom it is desired that no leaves of detention, recruit & removal should be delegated

Hand

Dublin Castle, March 2
received 4th March.
6 of the Defence of
India Rules as in
force in Punjab.
I have etc.

for Viceroy &c.

SE

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No. L.18481 *Bangalore, Dated,* 20th January 1943.

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Secretary to the Hon'ble the Resident in Mysore, Bangalore.

Sir,

Prisoners of War Camps - Bangalore.

***

With reference to your letter No.F.131(B)-40/W. dated 7th January 1943 on the above subject I am directed to state that the ~~War~~ Camp Authorities is too general and to request you to be so good as to ascertain from the military authorities the names and designation of the Officers to whom it is desired that the powers of detention, search and removal should be delegated.

I have the honour to be
Sir,
Your most obedient servant,

Chief Secretary to Government.

W185-42-3. No.F.131(B)-40/W.

From - The Secretary to the Hon'ble the Resident in Mysore.
To - The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Bangalore, 8th February 1943.

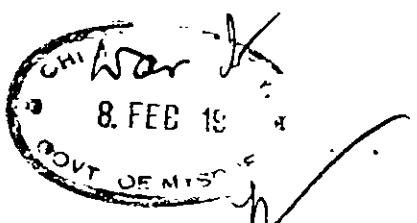
Prisoners of War Camps - Bangalore. 2384/W.

Sir,

I am directed to refer to your letter No.Pol.1481/W, dated the 20th January 1943, and to request that the powers of detention, search and removal may kindly be delegated to the Group Commandant and Commandants of the Prisoners of War Camps, Bangalore.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.



[G. R. S. App. F VI—G 2]

SUBJECT .....

.....

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Diary. No of letter replied to 2089

Section W

File No. 185-42

Serial No. 4.

General and Revenue Secretariat

( ) *Proceedings of the Government of*

the 193 . *His Highness the Maharaja of Mysore.*

Date of issue 18-2- 1943

Signed by M. S. K. V.

Read— Notifn No P S 16-Legis 2666-79 1-8-41 declaring certain areas as prohibited area.

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Order thereon.—No. 3486-87/W dated 18.2.43 Govt. are pleased to declare the prisoners of war camps Bangalore referred to in the notifn read above to be as prohibited

for area also under Rule 7
of the Defence of Realm
Rules as applied to myself. They are
further
Whereas and it is authorised the
Group Commander or Commandant of the Take Steps
~~Camps authorised~~ of the
said Camps also to
exercise the powers of
search, detention and
removal enjoined
under sub
under, Rules 6(3) and (4)
of rule 6 of the said rules
in regard to the said
prohibited place.

Chief Secy. for

20 The D-G Recruiting
O.H.M.S. " D.G.P.

Copy to Resy resident in U.K.

Sy.

List of Enclosure

Copied by

Examined by

WD 0185—GPB—15,000—13-8-34

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

No. Pol 1724 EAL-185-42-5. *Dated Bangalore,* 18th Febry 1943.

FROM

The Chief *Secretary to the Government of His Highness the Maharaja of Mysore,*

To

The Secretary to the Hon'ble the Resident in Mysore,
BANGALORE.

Sir,

Prisoners of War Camps - Bangalore.

***

With reference to your letter No.F.131(B)-40/W dated the 8th February 1943 on the above subject, I am directed to forward herewith a copy of order issued delegating to the Camp Authorities the powers asked for.

I have the honour to be
Sir,
Your most obedient servant,

for Chief Secretary to Government.